

proper to attend, to count the ballots, and shall publicly declare the seven persons having the greatest number of votes duly elected commissioners of Chester-town for the ensuing year, and if any two or more shall have an equal number of ballots in their favour, by which the choice shall not be determined by the electors, then the said judge shall immediately determine the choice by lot between those who have equal numbers; and if any of the commissioners appointed by this act, or hereafter to be elected as aforesaid, shall refuse to act, die, resign, or remove out of the said town, the vacancy thereby occasioned shall and may be filled up for the residue of the time he or they may have to serve, by the remaining commissioners.

V. AND BE IT ENACTED, That the commissioners to be elected as aforesaid, and their successors, shall annually, on the fourth Monday in May, for ever hereafter, cause an election to be held for commissioners of Chester-town, on the same terms, in the same manner, and under the same regulations, as the commissioners herein named are authorised to do in the first instance.

VI. AND BE IT ENACTED, That each commissioner hereby appointed, and every commissioner hereafter elected or appointed in virtue of this act, shall make oath, or affirmation, as the case may be, before some justice of the peace for Kent county, that he will diligently, faithfully and impartially, to the best of his judgment, perform the duties of a commissioner of the said town, without favour, to, or resentment or prejudice against, any; and the commissioners herein named, and their successors hereafter, shall meet on the first Monday in every month, during their continuance in office, and as much oftener as occasion may require, for the transaction of business, and shall appoint a clerk, whose duty it shall be to keep fair and faithful minutes of their proceedings in proper and well bound books, to be provided by them for that purpose, and may dismiss and discharge such clerk whenever they shall think proper.

VII. AND BE IT ENACTED, That the said commissioners shall cause a just and fair assessment and valuation of all the real property and houses within the limits of the said town to be made and returned to them, annually, if they shall deem the same necessary, between the tenth day of June and the tenth day of July, by such person or persons as they shall appoint for that purpose, and to impose and levy on the property so assessed and valued as aforesaid such sum or sums of money, in just and fair proportions, according to the valuation aforesaid, as the commissioners shall deem necessary for the objects contemplated by this act, not exceeding twenty cents in the hundred dollars in any one year, and to appoint and qualify a fit and proper person to collect the same, who shall enter into bond to the said commissioners, with such security, and in such penalty, as they shall direct, for the faithful performance of the duties required of him by the said commissioners, and for the payment over to them, or to their order, of all money collected or received by him under and in virtue of this act, which said bond shall be recorded in the clerk's office of Kent county, in ten days after the same shall be executed, and an office copy thereof, under seal, shall be evidence in any court of law or equity in this state in any suit or action brought thereon.

VIII. AND BE IT ENACTED, That the commissioners for the time being, or a majority of them, shall have full power and authority to make such by-laws for the regulation and good government of the said town, and the inhabitants thereof, and to restrain all disorders and disturbances, and to prevent and have removed all nuisances, inconveniences and annoyances, within the said town, and its limits, as to them, or a major part of them, shall seem meet and reasonable, not contrary to the constitution and laws of this state, or of the United States, and the said by-laws shall be observed, kept and performed, by all the inhabitants of the said town, and all persons trading therein, under such reasonable penalties, fines and forfeitures, as shall be imposed by the said by-laws, not exceeding five dollars; and all penalties, fines or forfeitures, imposed by this act, shall be recovered before a single magistrate as small debts are recoverable by law.

IX. AND BE IT ENACTED, That the said commissioners shall have full power and authority to appoint and qualify one or more active and discreet person or persons, as they shall deem necessary, to be bailiff or bailiffs of the said town, and to give him or them such directions in the execution of the office of bailiff as shall be necessary to accomplish the objects of this act, to remove the said bailiff or bailiffs at pleasure, and to pay the clerk and bailiff or bailiffs of the said town respectively such reasonable compensation for their services as the said commissioners shall think they deserve.

X. AND BE IT ENACTED, That the clerk and bailiffs of the said town shall, before they proceed to execute their respective offices, make oath, or affirmation, as the case may be, before any one of the said commissioners, that they will faithfully and impartially perform the duties required of them.